

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ELSIE I. LYBECKER, a single  
woman,

Plaintiff,

vs.

THE PRUDENTIAL INSURANCE  
COMPANY OF AMERICA; and  
UNION PACIFIC CORPORATION,

Defendants.

NO. CV-13-0231-LRS

**ORDER DENYING PLAINTIFF'S MOTION  
TO AMEND AND DENYING DEFENDANT  
UNION PACIFIC'S MOTION TO DISMISS**

**BEFORE THE COURT** are Defendant Union Pacific Corp.'s ("Union Pacific") Motion to Dismiss (ECF No. 10); and Plaintiff's Motion To Amend Complaint (ECF No. 14). A telephonic hearing was held October 24, 2013. Arthur M. Bistline and Mark A. Ellingsen participated on behalf of the Plaintiff; Brendan V. Monahan; Samuel M. Schwartz-Fenwick; Thomas M. Christina; and Sarah J. Evans participated on behalf of Defendants. The Court having considered the oral and written argument of counsel, enters this Order to memorialize the oral rulings made by the Court at the hearing. Accordingly,

**IT IS ORDERED** that:

1. Defendant Union Pacific's Motion to Dismiss, **ECF No. 10**, filed on August 12, 2013, is **DENIED**.

1 2. Plaintiff's Motion to Amend/Correct Complaint, **ECF No. 14**, is  
2 **GRANTED**. Plaintiff's Amended Complaint shall be filed on or before  
3 **November 8, 2013**. Defendants shall file answers on or before **December**  
4 **6, 2013**.

5 **IT IS SO ORDERED.** The District Court Executive is directed to  
6 enter this Order.

7 **DATED** this 1<sup>ST</sup> day of November, 2013.

8  
9 ***s/Lonny R. Suko***

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11 LONNY R. SUKO  
12 SENIOR UNITED STATES DISTRICT JUDGE  
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